

**CITY OF GLOUCESTER  
CONSERVATION COMMISSION AGENDA  
WEDNESDAY, June 2, 2010 - 7:00 PM  
CATA CONFERENCE ROOM - 3 POND ROAD  
ROBERT GULLA, CHAIRMAN**

**Members Present:**

**Robert Gulla, Chair  
Ann Jo Jackson, Co Chair  
John Feener, Commissioner  
Barry Gradwohl, Commissioner  
Charles Anderson, Commissioner  
Steve Phillip, Commissioner  
Arthur Socolow, Commissioner  
Lisa Press, Agent**

**Items on this agenda will not be heard before the time specified.**

**I.** 1-5 minutes maximum, review of amended, updated or final information, status reviews, modifications, signing decisions etc.

**II. PUBLIC COMMENT**

John Feener stated that the CPA application approval was June 1<sup>st</sup>. We got some very good applications for open space protection.

**III MINUTES REVIEW**

**Motion: Mr. Gulla made a motion to approve the minutes for March 3, and 17 2010**

**1<sup>st</sup>:Arthur Socolow**

**2<sup>nd</sup>:Ann Jo Jackson**

**Vote: All approved 7-0**

Mr. Gulla stated there are two cancellations for this evening: 4 Stanwood Point which is continued to June 16, State Pier also continued to June 16<sup>th</sup>.

**IV PUBLIC HEARING 7:15 PM**

- A. Continuation- 28-2049- 18 Gale Road-** Notice of Intent submitted by Gloucester Commons LLC., to install drainage improvements in an existing driveway in the buffer to a bordering vegetated wetland. (Map 43, lot 2, 4)

**Presenter:**

**Amy Green, Green Environmental, 26 Captain Brown, Gloucester  
Attorney Michele Harrison Attorney for Gloucester Crossing**

The site is towards the back of the project. There is a small drive and runoff is going down toward bottom. There is more force than everyone would like to see. The catch basins were put in, but have never been connected and that is why we are back. The

original storm water plan did this take into account. They are hooded and we need to make them functional and connect them to an outlet.

**Commission Comments:**

**Ms. Press** stated concern regarding the erosion on both banks. The area needs to have plantings. **Mr. Gulla** asked if there were any other loose ends in the same venue as this that we should be aware of. If there were, we would group them together. **Ms. Green** stated there was not.

**Public Comment: None**

**Conditions:**

- **Planting plan for both sides of the road**
- **Maintenance plan**

**B. Motion: Robert Gulla made a motion to approve Gloucester Commons LLC. to install drainage improvements in an existing driveway in the buffer to a bordering vegetated wetland. (Map 43, lot 2, 4)**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Charles Anderson**

**Vote: All approved 7-0**

**C. New- 28-2064- 84 High Street-** Notice of Intent submitted by Frank Curcio, to construct an addition to a dwelling on a slab in buffer to an inland resource area. (Map 164 lot 3).

**Presenter: Frank Curcio 84 High St, Gloucester, Ma.**

Mr. Curcio stated he would like to construct a screened in porch- 18x15 with additional 25 sq feet for wood burning stove. Mr. Curcio referenced the display screen where the items would be located.

**Commission Comments:**

**Mr. Gulla**, asked where the 2-1 mitigation would be. **Ms. Press** stated it was a tricky site and it is completely wooded. There is a pea stone driveway. **Mr. Feener** suggested having mid level planting and referenced the plan where they would be beneficial to help create habitat in between trees. There are certain trees that grow well in shade and grow to 3-4' in height. There is a list in the office for your reference. **Mr. Feener** stated concern on one tree in the pictures that would be affected by the work and asked the owner to help protect the tree root system.

**Public Comment: None**

**Conditions:**

- **Approved mid story planting plan to be submitted**
- **Gravel trenches for rain runoff**
- **Protect root system of tree adjacent to addition.**
- **Protection of tree from heavy machinery with plywood**

**Motion: Robert Gulla made a motion to approve an addition to a dwelling on a slab in buffer to an inland resource area. (Map 164 lot 3).**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: All approved 7-0**

**D. Continuation- 28-2044- 165 Eastern Ave.** Notice of Intent submitted by Catholic Cemeteries Assoc. Calvary Cemetery, to construct paved roadways with storm drainage, to construct a berm and detention basin and add landscaping in the buffer to inland resource area. (Map 160 lot 5).

**Presenter: Bob Bradley, Catholic Cemeteries**

**Commission Comments:**

**Ms. Press** sent recommended conditions to Catholic Cemeteries and Mr. Gulla read the conditions to the commission for review. The commission discussed the conditions and made amendments as needed

**#7** - The trees are to be placed somewhere in buffer to create a habitat. **Mr. Feener** stated that some of the trees to be left as stags. To be reviewed with agent.

**#9** - Trees to be removed should be marked with orange spray paint near root or bottom of tree.

**#10**- 2-1 mitigation for every live tree removed. The number to be determined by agent

**#12**- The dumpster will be covered and locked daily and emptied once a month

**#17**- Dave Sargent stated that the standard in Gloucester is to have the Board of Health to witness the soil testing. Soil samples as requested will be provided

**#16**- must not be non invasive

**E. Motion: Robert Gulla made a motion to approve the edited version of special order of conditions for Catholic Cemeteries Assoc. Calvary Cemetery, to construct paved roadways with storm drainage, to construct a berm and detention basin and add landscaping in the buffer to inland resource area. (Map 160 lot 5).**

**1<sup>st</sup>: Charles Anderson**

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: All approved 6-0 with 1 abstention by Steve Phillips**

**V. PUBLIC HEARINGS 8:15 PM**

**A. Continuation- 28-2058- 32 Leslie O Johnson Road,** Notice of Intent submitted by City of Gloucester, Gloucester High School, to construct an addition to an aquaculture shed, erect a challenge course, install a garden and 2 mud moorings in riverfront resource area. (Map 19 lot 1).

**Presenter: Mr. Schoel, 13 Woodbury St, Brian Tarr, Assist Superintendent, Gloucester, & Debra Bedel, Harrison Ave, Gloucester**

**Mr. Schoel** reviewed the project with the board stating the use of public land for environmental studies and leadership building. Mr. Schoel read to the commission the revised plan for the project for their approval. Many items were discussed such as:

- Identified two invasive species; will remove 3 maples and a few barberry bushes and replant to a 2-1 ratio and cart mound the dirt.
- Save Choke Cherry trees: observed what the Norway Maples are doing to the Choke Cherries. Would like to free up the canopy so the Choke Cherries can thrive.
- Vegetable garden to be relocated

### **Commission Comments**

**Mr. Gulla** stated that when final order is done, the conservation has the right to revoke this approval. **Mr. Feener** questioned the under story growth of the Norways and the smaller juvenile to be removed, do we need to mitigate for it? It is not altering a habitat.

**Mr. Gulla** stated that he did not see a need for that.

**Mr. Gulla stated that prior to doing any work, the agent will be given 72- hour notice and will come out for approval. The area must be marked prior to agent to coming out. We will need to have an updated plan. The commission will also require documentation regarding the use of bolts with washers to stabilize the hole in trees for climbing. How to bolt to a tree, to save a tree, provided that it is a legitimate process.**

- **Health of trees issue, document everything.**
- **Native wood chip and receipt where they came from and/or work order**
- **Planting plan for mitigation**

DEP commented; how does the project meet the river performance standard? **Mr. Gulla** stated that an alternative analysis is documented.

### **Public Comment: None**

**Motion: Robert Gulla made a motion to continue City of Gloucester, Gloucester High School, to construct an addition to an aquaculture shed, erect a challenge course, install a garden and 2 mud moorings in riverfront resource area. (Map 19 lot 1) to June 16<sup>th</sup> at 7:05**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Charle Anderson**

**Vote: All approved 7-0**

**Robert Gulla left the meeting at 8:48pm.**

**C. New 20 Bayberry Lane**, Request for Determination submitted by Mike & Patty Clayman, 20 Bayberry Lane requests the Conservation Commission to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance to construct a cantilevered deck and add a deck onto existing ties in coastal dune resource area. (Map 257, Lot 63).

**Presenter: Ken Ellis, 50 Bray St, Gloucester, Ma.**

**Mr. Ellis** reviewed the project with the commission stating the original people came to you a couple years ago and they built the building with a bunch of door that lead to no

where. Mr. Ellis suggested making 3 steps in back part of house away from dune to make them go back toward front of the house. We have a 30-occupancy permit.

**Commission Comments:**

**Ms. Press** stated that they want to put in a 30" walkway on site, which could be beneficial. The walkway would be cantilevered off the house. It would keep people off the dune and a wall in the dune was removed. There is a creosote wall to be removed.

**Ms. Jackson** asked for mitigation for the steps or cantilevered area.

**Ms. Press** was concerned with sand movement and stated to remove the ties and have the walkway high enough for the sand to move. It would be part of mitigation, as well as planting of dune grass 2-1. Ms. Press told the applicant to submit a new plan with what is discussed here. It must be drawn.

**Ms. Jackson** stated to refine the plan and there are to be no additional footings. We also need a planting plan.

**Mr. Feener** pointed out some browning pines to the side of the building and suggested to provide documentation that the trees were diseased prior to construction to protect the applicant.

**Public Comment: None**

**Conditions:**

- **Creosote ties to be removed**
- **Planting of dune grass**
- **Submit a new plan with what has been discussed here**
- **Planting plan**

**Motion: Ann Jo Jackson made a motion to continue 20 Bayberry Lane requests the Conservation Commission to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance to construct a cantilevered deck and add a deck onto existing ties in coastal dune resource area. (Map 257, Lot 63). to June 16 at 7:05**

**1<sup>st</sup>: John Feener**

**2<sup>nd</sup>: Charles Anderson**

**Vote: All approved 6-0**

**D. Continuation- Little River-28-2002- 372 Magnolia Avenue**, Notice of Intent submitted by City of Gloucester, Community Development Department, for restoration and enhancement of the Little River waterway. (Map 213 lot 16)

**Presenter: Dave Sargent, City Of Gloucester**

**Alex Hackman of Ecological Restoration**

**Mr. Sargent** stated that a tentative meeting has been scheduled with Wellspring and hopefully the outstanding issues will be resolved by July.

**Mr. Hackman** stated that they were able to secure a \$50,00 grant. We pursued a new contract and put in place in April. We are resurveying the property. On June 16 a tentative meeting is planned and preliminary staking will be done. We will hopefully be restoring the ecological value.

**Motion: Ann Jo Jackson made a motion to continue the Notice of Intent submitted by City of Gloucester, Community Development Department, for restoration and enhancement of the Little River waterway. (Map 213 lot 16) to July 21: Time to be announced.**

**1<sup>st</sup>:John Feener**

**2<sup>nd</sup>:Barry Gradwohl**

**Vote: All approved 6-0**

**VI. PUBLIC HEARINGS 9:15 PM**

**A. New – 2 State Pier (Jodrey Pier)** Notice of Intent submitted by Mass Development, Jodrey Pier, 2 State Pier, to clean, repair and replace piles, ladders decks and floats as needed in buffer to an inland resource area. Map 164 lot 3.

**Motion: AnnJo Jackson made a motion to continue the Notice of Intent submitted by Mass Development, Jodrey Pier, 2 State Pier, to clean, repair and replace piles, ladders decks and floats as needed in buffer to an inland resource area. Map 164 lot 3to June 16 @ 9:15**

**1<sup>st</sup>:John Feener**

**2<sup>nd</sup>:Barry Gradwohl**

**Vote: All approved 6-0**

**B. New- MBTA Annisquam River**, Notice of Intent submitted by Holly Palmgrem, MBTA, to conduct geotechnical borings in the Annisquam River near MBTA railroad bridge.

**Presenters: Holly Palmgrem, MBTA, Terrence McCarthy, MBTA Design & Construction 500 Arborway, Jamaica Plain, MA, Alfred Jones, GZA Geo Environmental, Inc. 133 Federal St, Boston, Ma. , Colin Duncan, TRC Wannalancit Mills, 650 Suffolk St, Lowell, Ma.**

**Mr. Duncan** reviewed the project with the commission stating that it involves installing 3 temporary borings, done with a barge with a drill rig. It is standard procedure to go down to see how the pilings could be replaced in the future. It is a 3-6 day operation.

**Mr. McCarthy** stated that the bridge was constructed in 1930. We are investigating the life cycle of the bridge and future replacement of it.

**Commission Comments:**

**Ms. Jackson** stated a site walk is needed with the Harbor Master, DPW, the Agent and Dave Sargent on June 18.

**Public Comment: None**

**Motion: Ann Jo Jackson made a motion to continue the Notice of Intent submitted by Holly Palmgrem, MBTA, to conduct geotechnical borings in the Annisquam River near MBTA railroad bridge for July 17<sup>th</sup> @ 7:15.**

**1<sup>st</sup>:John Feener**

**2<sup>nd</sup>:Barry Gradwohl**

**Vote: All approved 6-0**

**C. New- 15 Totten Lane** Notice of Intent submitted by Paul Brodeur, to construct an addition to a dwelling on a frost wall foundation and replace a septic system in ACEC, riverfront, and coastal bank resource areas. (Map 252 lot 4).

**Presenter: Randy Burley, Mill River Consulting 6 Sargent St, Gloucester**

**Mr. Burley** reviewed the project with the commission stating that it has two parts, the replacement of the septic and the addition. Mr. Burley referenced the plan showing placement of the existing and proposed septic sites. The soil testing has been done and the area is ledgey. We tried to stay away from the resource area, but it was the only area it would fit. The septic will have a treatment device to a leaching field. It is raised 4' out of water table. The septic was approved by the Health Department. The current system isn't failed, but the owner wanted to upgrade. The additional dwelling is 495 square foot two bedroom. There will be no increase in flow of septic system. Mr. Burley referenced the plan for the commission showing the buffer zones. There is a 1314 square foot, replication/remediation area, a planting plan for to naturally re-vegetate the area. Any work that is to be done will be done by small machinery. Only one Cedar tree will have to go and the access will be through the rear.

**Commission Comments:**

**Ms. Jackson** stated that she only saw an alternative analysis for the septic but not the addition and will need on for documentation. Ms. Jackson also stated concern on the impact of the addition on the resource areas. We need to wait for DEP comments. We will need more details with clarification such as; capturing roof runoff, planting details, how will you mitigate for all that, a variety of things to be explored.

**Public Comment:**

**Chris Klem, 11 &13 Totten Lane, Concord Realty Trust.**

I am one of six members, and also hold easement to the property. I have submitted some thoughts on the project and am in favor of septic upgrade but I have concerns with the house addition. On the 5 Family Point Property, surge tides are coming way up, there is a rack line, eastern most end of Cranes Beach effect of any northerly wind and pushed the water up onto these properties. The changing conditions of the properties over the years are common erosion and I have some doubts on replication piece.

Hope a study of the construction impacts will be done. Also there is no turnaround in this area. Totten Lane is worth observing. There is isolated wetlands on both sides and is not great for trucks. It is very tight and sensitive, close area.

Ms. Jackson stated that she would like to see the site and to see what DEP comes in with. Mr. Feener agreed and would like to make the extent of construction zone marked with flags.

**Motion: Ann Jo Jackson made a motion to continue the Notice of Intent submitted by Paul Brodeur, to construct an addition to a dwelling on a frost wall foundation and replace a septic system in ACEC, riverfront, and coastal bank resource areas. (Map 252 lot 4) to June 16 @ 9:15**

**1<sup>st</sup>: John Feener**

**2<sup>nd</sup>: Charles Anderson**

**Vote: All approved 6-0**

**D. Continuation- 28-2066- 4 Stanwood Point** -Notice of Intent submitted by Bernard Sova, Little River Campground, to re-locate house on a foundation, construction of walls, multiple building sewer connections and other site work in riverfront resource area. (Map 230 lot 69). **Applicant requests continuation to June 16 2010**

**Motion: Ann Jo Jackson made a motion to continue the Notice of Intent submitted by Bernard Sova, Little River Campground, to re-locate house on a foundation, construction of walls, multiple building sewer connections and other site work in riverfront resource area. (Map 230 lot 69). June 16 at 8:15**

**1<sup>st</sup>:Arthur Socolow**

**2<sup>nd</sup>:Barry Gradwohl**

**Vote: All approved 6-0**

## **VII. AGENT'S REPORT ON VIOLATIONS**

### **662 washington st**

**Ms. Press** stated that the deck is in riverfront area. They are replacing the deck. Ms. Etchiverry brought pictures of the old deck. I set out to repair a few boards and as the work was being done it became clear it needed to be replaced. I am using the same exact same shape.. The deck is attached to house. It is the same height on cement pilings. New pilings were put in next to the old ones.

Ms. Jackson suggested dating and initialing the pictures for our files.

Mr. Feener pointed out from a picture from 10 years ago, that a Birch tree has been removed. The recent picture shows a stump. Mr. Feener asked when that was done. The area seemed to a lot more flatter then. It seems to have a lot more soil and dirt now and there is a piece of a sona tube on the ground.

Ms. Etchiverry stated that there wasn't any tree removal for the construction.

Ms. Jackson reviewed the issues as the commission sees them:

- Used pressure treated
- Done without permit
- Added pilings- so increased impervious
- Tree removal documentation stating when it was removed.
- 

### **Commission Comments**

**Ms Jackson** stated that the applicant needs to take before and after measurements to figure out mitigation for pilings and deck, and to get information on the spacing of the deck boards. Please forward the information to the agent.

**Ms. Press** this can be done under an enforcement order. Ms. Press asked the applicant to clean up the construction debris around the site.

## **VIII. AS TIME PERMITS: COMMISSION BUSINESS**

### **A. Requests for Letter Permits**



- 255 East Main Street

**Commission Comments:**

**Ms. Press** stated that it is a very small area, wants to put a small retaining wall in.

**Motion: Robert Gulla made a motion to approve the letter permit for 255 East Main St.**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Barry Gradwohl**

**vote: All approved 7-0**

**B. Requests for Certificates of Compliance**

28-1871 Wingaersheek Rd

28-1801 27 Beach Road

28-1804 38R Bass Ave

28-1806 135 Atlantic Road

28-2009 22 Riggs Point Road

**28-1820 102 Wheeler Street**

**Commission Comments:**

**Ms. Press** stated that Leslie has already gone out and everything looks good.

**Motion: Robert Gulla made a motion to approve Certificates of Compliance for;**

**28-1871 Wingaersheek Rd**

**28-1801 27 Beach Road**

**28-1804 38R Bass Ave**

**28-1806 135 Atlantic Road**

**28-2009 22 Riggs Point Road**

**28-1820 102 Wheeler Street**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: John Feener**

**Vote: All approved 7-0**

**Letter permit for 32 Horton Street**

**Motion : Robert Gulla made a motion to approve the letter permit for 32 Horton St**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: John Feener**

**Vote: All approved 7-0**

**Minor Modification 720 Washington Street,  
John Feener recused himself for 720 Washington St.**

**Presenter: Bill Manuel**

**Mr. Manuel** stated that the construction has been done and there is a formalized landscape plan. There is a reduction in the impervious and only need 400 sq of mitigation. They are leaving the posts to the chain link fence in, but removing the chain link, removing a shed and adding a pre-manufactured Gazebo, planting an herb garden, incorporating 1 granite step. All the work would be done by hand. Mr. Manuel referenced his plans with the commission.

**Ms. Jackson** stated that she would need documentation for the mitigation for the Gazebo.

**Motion: Ann Jo Jackson made a motion to accept minor modification with the additional documentation as requested.**

**1<sup>st</sup>: Arthur Socolow**

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: All approved 6-0**

If you would like additional information regarding the review status of a particular item, please contact the Community Development Conservation Department via e-mail at [mdemick@gloucester-ma.gov](mailto:mdemick@gloucester-ma.gov) or via phone at 978-281-9781.

Additional information can also be obtained on the Conservation Web Page at [www.gloucester-ma.gov](http://www.gloucester-ma.gov)  
Click Community Development for a link to Conservation.

**Commission Members: If you are unable to attend the meeting, please contact the Community Development office at 978-281-9781 or send Lisa or Marie an e-mail**